

Remarks

Claims 1-22 are pending in the application. Reconsideration and allowance of the application are respectfully requested.

The non-final Office Action dated October 10, 2007 lists the following objections and rejections: the claims are objected to because they include reference characters which are not enclosed within parentheses; claims 2, 14-15 and 18-20 are objected to due to informalities; the specification is objected to as it does not contain an abstract on a separate sheet; claims 12, 14 and 16 stand rejected under 35 U.S.C. 112(1); claims 1-11 and 13-22 stand rejected under 35 U.S.C. 103(a) over Kommerling *et al.* (U.S. Patent Pub. 2001/0033012) in view of Anthony *et al.* (U.S. Patent 6,404,647) and further in view of Minakata *et al.* (U.S. Pub. 2001/0005011); and claim 12 stands rejected under 35 U.S.C. 103(a) over Kommerling in view of Anthony and Minakata and still in further view of Matsumoto *et al.* (U.S. Patent 6,194,888).

In response to the objection to the reference characters in the claims, Applicant has amended claim 1 to remove the reference characters. Thus, Applicant requests that this objection be removed.

In response to the objections to claims 2 and 14-15, Applicant respectfully submits that the claim amendments render these objections moot. Regarding the objections to claims 18-20, Applicant respectfully submits that claims 18-20 have sufficient antecedent basis for the terms magnetic state, first magnetic state and second magnetic state. Applicant notes that the Office Action does not provide any elaboration regarding the basis for objecting to the use of these terms. Accordingly, Applicant requests that the objections to claims 2, 14-15, and 18-20 be removed.

In response to the objection to the abstract, Applicant has provided a copy of the abstract on a separate sheet on page 2 of this paper. Thus, Applicant requests that the objection to the abstract be removed.

Applicant respectfully declines to add section headings to the specification because the indicated suggestions in 37 C.F.R. § 1.77(b) are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 C.F.R. § 1.51(d) are only guidelines that are suggested for applicant's use. They are not mandatory, and when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

“Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77.”

In view of the above, Applicant prefers not to add section headings.

Applicant respectfully traverses the Section 112(1) rejection of claims 12, 14 and 16 because the subject matter of these claims was described in Applicant's specification in such a way as to reasonably convey to one of skill in the art that Applicant had possession of the claimed invention at the time the application was filed. According to M.P.E.P. § 2163, a satisfactory description may be in the claims or any other portion of the originally filed specification. As claims 12, 14 and 16 were present in the originally filed application, Applicant submits that the limitations of these claims upon which the Office Action bases the rejection would have been known to and understood by one of skill in the art based upon the originally filed application. Thus, Section 112(1) rejection of claims 12, 14 and 16 is improper and Applicant request that it be withdrawn.

Applicant respectfully traverses the Section 103(a) rejection of claims 1-11 and 13-22 because the cited portions of the Kommerling reference do not correspond to the claimed invention which includes, for example, aspects directed to a magnetic device adapted to generate a local magnetic field that is sufficiently strong to alter the logic state of at least one of the mini magnets in response to a portion of the magnetic device being removed (*see, e.g.*, claim 1, Applicant notes that claims 21 and 22 contain similar aspects). The Office Action erroneously asserts that Kommerling teaches that plates 365 generate a magnetic field that erases the secure content of memory 110 in response to tampering with the encapsulation 50.

In actuality, Kommerling teaches that the contents of memory 110 are encrypted/decrypted using an encryption key 160 that is derived from the properties 140 detected by sensors 150 which are responsive to properties 170 of an encapsulation 50 that surrounds the circuit. *See, e.g.*, Figure 1 and Paragraphs 0062-0063. In the event of tampering with the encapsulation 50, the encapsulation properties 170 are altered leading

to alterations in the properties 140 detected by the sensors 150 and hence alteration of the decryption key 160 which results in the secure content of memory 110 being unable to be decrypted. *See, e.g.*, Paragraph 0066. With specific reference to Figures 5A and 5B, Kommerling teaches that the sensors can be magnetic field sensors which measure the magnetic properties of the encapsulation 50 and that any attempt to remove the outer shield 370 will change the distribution of the magnetic field and thus change the properties sensed by the sensors 150 making it impossible to read the decryption key. *See, e.g.*, Paragraphs 0112-0116. Kommerling further notes that upon detecting a change in the sensed properties of the encapsulation, action could be taken to erase the secure content of the memory; however, Kommerling does not mention how the data is erased and Kommerling not does teach that the data in memory 100 is erased by the magnetic field generated by plates 365.

Moreover, regarding claim 1, the cited portions of Kommerling do not teach that plate 365 generates a magnetic field to alter the logic state of one of the mini magnets in response to a portion of the plate 365 being removed as in the claimed invention. Kommerling teaches what happens when part of the outer shield layer 370 is removed (see discussion above); however, Kommerling does not mention removing part of plate 365 or altering the logic state of one of the mini magnets in response to removing a portion of the plate 365.

In view of the above, the Section 103(a) rejection of claims 1-11 and 13-22 is improper and Applicant requests that it be withdrawn.

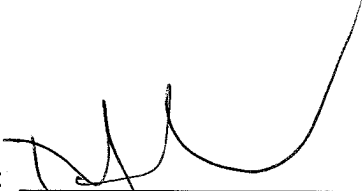
Applicant respectfully traverses the Section 103(a) rejection of claim 12 (based upon the Kommerling reference) because the cited portions of Kommerling do not correspond to the claimed invention as discussed above in relation to the Section 103(a) rejection of claim 1. In at least this regard, the Section 103(a) rejection of claim 12 is improper in that claim 12 depends from claim 1. Therefore, Applicant requests that the Section 103(a) rejection of claim 12 be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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